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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON WALLACE

Defendant

**CASE NO: 2:21-mj-00924-VCF**

**STIPULATION AND ORDER TO  
AMEND GUILTY PLEA TO COUNT  
ONE RECKLESS DRIVING**

**FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the court hereby finds that:

**CONCLUSIONS OF LAW**

Based upon the fact that counsel has agreed to a continuance, the Court hereby concludes that:

1. On June 29, 2022, Mr. Wallace entered a plea of guilty plea to Count One of the Complaint—Operating a Motor Vehicle while Under the Influence of Alcohol, a violation of 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor. *See*, ECF No. 13.
2. Following the parties' recommendations, Mr. Wallace was sentenced by this Honorable Court to unsupervised probation for a period of one year with special conditions, to include that:
  - a. The Defendant pay a \$500.00 fine and a mandatory \$10 penalty assessment;

- b. The Defendant attend and complete the Lower Court Counseling's (1) DUI course and (2) Victim Impact Panel;
  - c. The Defendant successfully complete an eight (8) hour online alcohol awareness course;
  - d. The Defendant not return to Lake Mead National Recreation Area for a period of six months;
  - e. The Defendant not violate any local, state, or federal laws. *See*, ECF No. 13 at p. 2.
3. This Honorable Court further Ordered that should the Defendant successfully complete the foregoing conditions within the first six months (*i.e. December 29, 2022*) of his unsupervised probation, and has not violated any local, state, or federal laws during the first six months of his unsupervised probation, Defendant shall be allowed to withdraw his guilty plea to Count One of the Complaint—Operating a Motor Vehicle while Under the Influence of Alcohol, a violation of 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor. The Government agreed to amend Count One to a charge of Reckless Driving, a violation of 36 CFR § 4.2 and N.R.S. 484B.653. Defendant shall be permitted to enter a plea of guilty to the amend Count One charge of Reckless Driving, a violation of 36 CFR § 4.2 and N.R.S. 484B.653.
4. The Defendant has completed all of his requirements within six months (*i.e. most recent requirement completed 12/3/22*). *See*, Ex. A attached hereto.
5. The Defendant has not violated any local, state, or federal laws during the first six months of his unsupervised probation.

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**ORDER**

**IT IS HEREBY ORDERED** that Defendant shall be allowed to withdraw his guilty plea to Count One of the Complaint—Operating a Motor Vehicle while Under the Influence of Alcohol, a violation of 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor. Count One is amended to a charge of Reckless Driving, a violation of 36 CFR § 4.2 and N.R.S. 484B.653. Defendant is hereby adjudicated guilty of the amend Count One charge of Reckless Driving, a violation of 36 CFR § 4.2 and N.R.S. 484B.653 and the original sentence is imposed as to the amended charge and the case is closed.

DATED: January 4, 2023  
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UNITED STATES MAGISTRATE JUDGE